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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,330	11/30/2000	Alex O. Agerholm	10559/382001/P10188	3827
20985	7590	08/24/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			JEAN, FRANTZ B	
			ART UNIT	PAPER NUMBER

2151

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,330

Applicant(s)

AGERHOLM ET AL.

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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DETAILED ACTION

This office action is in response to the request for consideration and the amendment filed on 06/10/05. Claims 1-12 and 14-24 are still pending in this application. Claim 13 has been cancelled.

***Response to Arguments***

Applicant's arguments with respect to claims 1-12 and 14-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined to section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhan et al. ("Narasimhan") US patent No. 6,073,165 in view of Zombek et al. hereinafter "Zombek" US patent Number 6704768.

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As per claim 1, Narasimhan teaches a method, comprising: obtaining, at first node, information indicative of a network condition; and sending the HTTP protocol to a network managing node (SNMP) (see col. 3 line 20 to col. 5 line 35. However, Narasimhan does not explicitly elaborate on encapsulating the information into an HTTP protocol. Zombek is directed to method and computer product for providing server discovery services during a startup sequence. The method comprises encapsulating the information into an HTTP protocol (col. 13 lines 15-32, before transmitting the information registration is performed, wherein SNMP is encapsulated to HTTP, which is one of the intelligent messaging network server SDK; see also col 10 lines 10-34; col. 11 lines 24-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Zombek encapsulation of SNMP to HTTP with Narasimhan's method because it would have facilitated information transfer (Zombek, col. 11 lines 24-62).

As per claims 2-6, Narasimhan and Zombek teach a SNMP information; HTTP protocols; HTTP message including information therein (see Narasimhan col. 3 line 38 to col. 5 line 49; Zombek col. 13 lines 15-32).

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ditmer et al. US patent No. 6,490,620 in view of Zombek et al. hereinafter "Zombek" US patent Number 6704768.

As per claims 7-11, Ditmer teaches the concept of a first and second monitoring computer running a first and second program that monitors a network connection, the connections including a firewall/filter that block other communications except HTTP communications and a third program (see col. 7 lines 3 et seq and col. 13 lines 5 et seq). However, Ditmer does not explicitly elaborate on encapsulating the information into an HTTP protocol. Zombek is directed to method and computer product for providing server discovery services during a startup sequence. The method comprises encapsulating the information into an HTTP protocol (col. 13 lines 15-32, before transmitting the information registration is performed, wherein SNMP is encapsulated to HTTP, which is one of the intelligent messaging network server SDK; see also col 10 lines 10-34; col. 11 lines 24-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Zombek encapsulation of SNMP to HTTP with Ditmer's system because it would have facilitated information transfer (Zombek, col. 11 lines 24-62).

Claims 8-11 including forming tag are taught by Ditmer and Zombek see ref above.

Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Land et al. US patent No. 6,008,805 in view of Zombek et al. hereinafter "Zombek" US patent Number 6704768.


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As per claim 12, Land teaches a method comprising the concept of forming a SNMP request for information from a remote computer, in a management station computer; changing the SNMP to a form which will be passed by a firewall as a changed SNMP request, wherein the changed SNMP request is an SNMP request; and sending the changed SNMP request to the remote computer through said firewall (see abstract; col. 5 line 5 to col. 10 lines 63). However, Land does not explicitly elaborate on encapsulating the information into an HTTP protocol. Zombek is directed to method and computer product for providing server discovery services during a startup sequence. The method comprises encapsulating the information into an HTTP protocol (col. 13 lines 15-32, before transmitting the information registration is performed, wherein SNMP is encapsulated to HTTP, which is one of the intelligent messaging network server SDK; see also col 10 lines 10-34; col. 11 lines 24-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Zombek encapsulation of SNMP to HTTP with Land' system because it would have facilitated information transfer (Zombek, col. 11 lines 24-62). Furthermore, Land and Zombek teach the concept of all the independent claims and dependent claims 14-24 as written.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
FRANTZ B. JEAN  
PRIMARY EXAMINER